

2024:PHHC:123017-DB



CWP-23818-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-23818-2024

Date of Decision: 18.09.2024

KRISHAN GOPAL

.....PETITIONER

VERSUS

M/S EDELWEISS ASSET RECONSTRUCTION COMPANY LTD.

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Mr. K.H.S. Bath, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

Learned counsel for the petitioner submits that petitioner had taken a home loan of Rs.17,40,000/-. The petitioner has preferred SA-503/2024, before the DRT-II, but as the DRT-II is not functioning, his SA is not being listed and heard. He also submits that petitioner is in possession and being dispossessed from his only residential house. The petitioner is seeking relief for some time till the DRT-II resumes its functioning.

2. Heard.

3. The petitioner has preferred SA before the DRT-II and due to its non-functioning, the same is not being taken up for hearing. The petitioner or a litigant cannot be left remediless especially when the same has been provided by a Statute. We draw our support from the order of the Supreme Court dated 16.12.2021 in the case of '**State Bar Council of Madhya Pradesh Vs. Union of India**' Special Leave Petition (C) No.10911/2021. Relevant extract is reproduced herein-below:-

"13. With a view to resolve the problem being faced by the parties, for the time being and purely as a stopgap arrangement, we request the concerned



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High Court(s) to entertain the matters falling within the jurisdiction of DRTs and DRATs under Article 226 of the Constitution of India, till further orders.

14. We make it clear that once the Tribunal(s) is/are constituted, the matters can be relegated to the Tribunals by the High Court(s). ”

4. Consequently, the petition is disposed of with a direction that the parties shall maintain status quo for a period of 15 days after the DRT-II resumes its functioning.
5. It is clarified that this Court is not making any comment on the merits of the case including the fact that whether or not the petitioner is in possession of the secured asset.
6. It is further made clear that the petitioner shall not make any effort to delay the proceedings and shall remove the defects in the application, if any, immediately.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

18.09.2024

Prince

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No